

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**COREY SHANUS,**

**Plaintiff,**

**v.**

**R.L. AMERICANA, LLC f/k/a ROBERT  
EDWARD AUCTIONS, LLC and ROBERT  
LIFSON,**

**Defendants.**

Civ. No. 2:11-cv-02839-KM-SCM

**ORDER**

**MCNULTY, District Judge**

**THIS MATTER** having come before the Court on the cross-motions for summary judgment (ECF Nos. 152, 157) filed by the plaintiff, Corey Shanus, and the Defendants, R.L. Americana, LLC, f/k/a Robert Edwards Auctions, LLC, and Robert Lifson (collectively, the Defendants);

And Shanus, by unified motion with his motion for summary judgment also having moved to exclude the testimony of three experts for the Defendants; and the Defendants, also by unified motion with their motion for summary judgment having moved to exclude the testimony of two experts for Shanus and having moved for sanctions against Shanus pursuant to Fed. R. Civ. P. 11, Fed. R. Civ. P. 16, and Fed. R. Civ. P. 37;

And the Court having administratively terminated the parties' cross-motions for summary judgment by orders dated June 10, 2016 (ECF No. 181) and June 14, 2016 (Court-only ECF entry); and the Court, following resolution of issues related to the scheduling of the parties' briefing, having vacated the administrative termination of the parties' cross-motions by Order dated June 20, 2016 (see ECF No. 183);

And the Court having considered without oral argument the moving, opposition, and reply papers for the parties' cross-motions for summary

judgment (ECF Nos. 153, 159, 189, 196, 203, 208) pursuant to Fed. R. Civ. P. 78; and the Court having considered without oral argument the moving, opposition, and reply papers for the parties' motions *in limine* and motions for sanctions (ECF Nos. 155, 157, 160–164, 188–195, 204, 206–207, 210–212); for the reasons set forth in the accompanying Opinion, and for good cause shown:

**IT IS** this 12th day of May, 2017,

**ORDERED**, in accordance with the accompanying Opinion and pursuant to Fed. R. Civ. P. 56, that Shanus's motion for summary judgment (ECF No. 152) is **DENIED** in its entirety; and it is further

**ORDERED**, in accordance with the accompanying Opinion and pursuant to Fed. R. Civ. P. 56, that the Defendants' motion for summary judgment (ECF No. 157) is **GRANTED** as to Shanus's claim for lulling fraud (Count 1 of the Amended Complaint, ECF No. 16) and **DENIED** as to Shanus's claims for market manipulation fraud and breach of contract (Counts 2 and 3); and it is further

**ORDERED**, in accordance with the accompany Opinion, that the parties' motions *in limine* (ECF No. 152, 157) and the Defendants' motions for sanctions (ECF No. 157) are **DENIED**; and it is further

**ORDERED** that, following the Court's forthcoming resolution of the parties' motions to seal (ECF Nos. 158, 165), counsel shall cooperatively propose redactions so that a version of the accompanying sealed Opinion may be filed publicly.

  
**KEVIN MCNULTY**  
United States District Judge

DATED: May 12, 2017